

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

MACARIO RODRIGUEZ-BRAVO

CRIMINAL COMPLAINT

Case Number:

MS-11-260 FEN

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 30, 2011, in Hennepin County, in the State and District of Minnesota, defendant(s) an alien, who had previously been removed on February 12, 2002, subsequent to a conviction for an aggravated felony, namely: criminal sexual conduct in the 3rd degree, in the State of Minnesota, on December 28, 2001, knowingly and unlawfully was found in the United States without obtaining permission from the Attorney General or the Secretary of Homeland Security to re-apply for admission into the United States,

in violation of Title 8, United States Code, Section(s) 1326(a) and (b)(2).

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

6/24/11

Date

The Honorable Franklin L. Noel
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

at


Signature of Complainant
Jennifer Skwira
U.S. ICE

Minneapolis, MN
City and State


Signature of Judicial Officer

SCANNED

JUN 27 2011

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

AFFIDAVIT OF Jennifer Skwira

Jennifer Skwira, being duly sworn, deposes and states as follows:

1. I am a Deportation Officer with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security since September 2, 2007. I have been in various positions within legacy Immigration and Naturalization Service (INS) and the United States Citizenship and Immigration Services (USCIS) for the last 13 years.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for reviewing alien files (commonly known as "A files") in connection with the detention and release of aliens in ICE custody.
3. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, on or about May 30, 2011, in Hennepin County, in the State and District of Minnesota, Macario RODRIGUEZ-Bravo unlawfully reentered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and that RODRIGUEZ-Bravo's removal was subsequent to a conviction for commission

of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. On May 30, 2011, defendant, Macario RODRIGUEZ-Bravo was located and arrested in Hennepin County, in the State and District of Minnesota, by members of the Minneapolis Police Department. RODRIGUEZ-Bravo was stopped for running a red light. RODRIGUEZ-Bravo did not have any state identification, passport or government identification. He provided the Minneapolis Police Department with the name of Juan Manuel Cedillo-Carreno. RODRIGUEZ-Bravo was arrested on a no valid Driver's License charge. RODRIGUEZ-Bravo was transported to Hennepin County Adult Detention Center for processing. On May 31, 2011, Hennepin County processed RODRIGUEZ-Bravo and their records reflected an alias of Macario Rodriguez Bravo with a date of birth of March 10, 1979. It was further discovered that RODRIGUEZ-Bravo had an outstanding felony warrant for his arrest out of Ramsey County, MN.
6. On May 31, 2011, RODRIGUEZ-Bravo was encountered by ICE after having received an after hours Criminal Alien Program (CAP) duty call. Subject was administratively interviewed by Immigration and Customs Enforcement Agent (IEA) Kevin Sundbom on May 31, 2011 and alienage and removability was established. An ICE detainer (Form I-247) was lodged on May 31, 2011 with Hennepin County Adult Detention Center. On May 31, 2011, RODRIGUEZ-Bravo was turned over to Ramsey County by Hennepin County and ICE's Form I-247 followed. On June 8, 2011, RODRIGUEZ-Bravo was turned over to ICE custody and transported to the


Bloomington, Minnesota ICE office for processing. On June 8, 2011, RODRIGUEZ-Bravo was advised of his Miranda Rights. RODRIGUEZ-Bravo voluntarily gave a sworn statement to IEA Marnie Midby. IEA Midby completed the arrest and served RODRIGUEZ-Bravo with the required administrative paperwork.

7. On December 28, 2001, RODRIGUEZ-Bravo was convicted in Ramsey County District Court, Minnesota for the offense of Criminal Sexual Conduct in the 3rd Degree in violation of MN Statute 609.344, Subdivision 1(b). RODRIGUEZ-Bravo was sentenced to 18 months stayed to probation for 15 years.
8. RODRIGUEZ-Bravo's immigration file indicates that he has been previously arrested and removed from the United States on one occasion. On February 12, 2002, RODRIGUEZ-Bravo was removed from the United States to Mexico at the Brownsville Gateway, TX port of entry.
9. Law enforcement has confirmed through fingerprints and photographs contained in RODRIGUEZ-Bravo's criminal history and immigration file that the individual named Juan Manuel Cedillo-Carreno referenced in those records is, in fact, the same person who is currently in ICE custody and was encountered on May 31, 2011, by ICE.
10. My investigation has revealed that RODRIGUEZ-Bravo is a citizen and national of Mexico who makes no claim to United States citizenship or lawful permanent residence status in the United States.
11. My investigation confirms that since his removal from the United States on February 12, 2002, RODRIGUEZ-Bravo has not applied for, nor received, permission to enter

the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.

12. Based on these facts, I have reason to believe that Macario RODRIGUEZ-Bravo unlawfully reentered and was found in the United States after removal, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.


13. Further Your Affiant Sayeth Not.



Jennifer Skwira, Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 24th day of June, 2011.



United States Magistrate Judge